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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. EMISSIVE ENERGY CORP., a Delaware Corporation; and DOES 1 – 100, Defendants.	Case No. 08 cv 234 BTM CAB **PLAINTIFF'S NOTICE OF MOTION AND MOTION TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART** Date: June 20, 2008 Time: 11:00 a.m. Hon. Barry T. Moskowitz NO ORAL ARGUMENTS UNLESS ORDERED BY THE COURT

TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on the date and time listed above, or as soon thereafter as the matter may be heard, before the Honorable Barry Ted Moskowitz, Plaintiff JENS E. SORENSEN, as TRUSTEE OF THE SORENSEN RESEARCH AND DEVELOPMENT TRUST, hereby moves the Court to modify patent local rules schedule to accelerate identification of claimed invalidating prior art. The motion is based on the following grounds:

1. The stays pending PTO reexamination of the subject '184 patent have been based on the expectation that the Court is shifting the patent validity issue to the PTO so that all prior art presented to the Court will have been first considered by the PTO.

2. The Court's expectation cannot be met if the other defendants asserting invalidity of the '184 patent due to invalidating prior art do not identify that prior art in time for it to be considered by the PTO during the pending reexaminations.

This motion is based upon this Notice, and the concurrently filed documents in support thereof: Memorandum of Points and Authorities; and Declaration of Melody Kramer.

DATED this Friday, April 04, 2008.

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND DEVELOPMENT
TRUST, Plaintiff

/s./ Melody A. Kramer

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